

IN THE UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF ALABAMA  
NORTHERN DIVISION

HERBERT CORNELL, :  
Plaintiff, :  
vs. : CIVIL ACTION 04-0599-CG-M  
THOMAS AP R JONES, et al., :  
Defendants. :

**ORDER**

After due and proper consideration of all portions of this file deemed relevant to the issue raised, and there having been no objections filed, the Report and Recommendation of the Magistrate Judge made under 28 U.S.C. § 636(b)(1)(B) is **ADOPTED** as the opinion of this Court. It is **ORDERED** that this action be and is hereby **DISMISSED with prejudice** as frivolous pursuant to 28 U.S.C. § 1915 (e)(2)(B)(i).

The Clerk is **DIRECTED** to send to the Commissioner of the Alabama Department of Corrections a copy of the Report and Recommendation the recommending dismissal of this action as frivolous, of this Order adopting the Report and Recommendation, and of the Judgment dismissing this action as frivolous.

**DONE and ORDERED** this 1<sup>st</sup> day of August, 2005.

/s/ Callie V. S. Granade  
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CHIEF UNITED STATES DISTRICT JUDGE